

EXHIBIT 12

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804

Judge Dan Aaron

This document relates to: Polster

The County of Cuyahoga v. Purdue  
Pharma L.P., et al.

Case No. 18-OP-45004

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Videotaped deposition of
JAMES A. GUTIERREZ, ESQ.

January 31, 2019

9:48 a.m.

Taken at:

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1 A. Exactly. I don't know if it's the
2 top one.

3 Q. And no one in your office has
4 communicated to you the top drug priorities?

5 MR. SPELLACY: Objection.

6 A. No.

7 Q. At any point during your tenure at
8 the office?

9 A. No.

10 MR. SPELLACY: Someone on the phone
11 is making some noise, so if you could mute your
12 phone, please. Thank you.

13 Q. As far as you know, when was the
14 first time that someone overdosed on opioids in
15 Cuyahoga County?

16 A. I don't know the answer to that
17 question.

18 Q. Do you know the first time when
19 someone overdosed on prescription opioids
20 specifically?

21 MR. SPELLACY: Objection.

22 A. I don't know the answer to that
23 question.

24 Q. When was the first time your office
25 considered filing charges in an opiate-related

1 prosecution?

2 MR. SPELLACY: Objection.

3 A. I don't know the answer to that
4 question. I don't know anybody who would.

5 Q. And when was the first time your
6 office considered filing charges in a
7 prescription opioid case?

8 MR. SPELLACY: Objection.

9 A. Again, all I can tell you is what I
10 have -- what my experience was since basically
11 1989, when I started doing practitioners.

12 Q. When was the first time you filed a
13 prosecution related to prescription opioids?

14 A. Early '90s.

15 Q. Were prescription opioids a problem
16 in the early '90s?

17 MR. SPELLACY: Objection.

18 A. Absolutely.

19 Q. And what kind of problem were they
20 posing in the 1990s in Cuyahoga County?

21 A. When OxyContin came out, it was --
22 it was like a jailbreak. It just exploded.

23 Q. And when did that occur?

24 A. The late '90s, when OxyContin first
25 went on the market. It was unbelievable what

1 was happening out in the streets.

2 Q. Can you describe in more detail what
3 was happening on the streets in the late '90s?

4 MR. SPELLACY: Objection.

5 A. Oh, OxyContin was just -- forget
6 about heroin and fentanyl. Well, fentanyl
7 wasn't even around. But that was the drug to
8 get, especially, I believe, with the 80
9 milligram. It was going for a dollar a
10 milligram. So one pill was going for 80 bucks,
11 and that was causing all sorts of issues.

12 Q. And how do you know this? What's
13 the basis?

14 MR. SPELLACY: Objection.

15 A. From my personal experience from
16 prosecuting those cases.

17 Q. Would you say that OxyContin then
18 was the drug of choice in the late 1990s in
19 Cuyahoga County?

20 A. Absolutely.

21 MR. SPELLACY: Objection.

22 A. And you got to understand something.
23 There is a subset of individuals out there that
24 just want the prescription drugs. So yes, that
25 was the choice of drug for that subsection of